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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,908

11/07/2006

Anders Lenning

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EXAMINER

WILHELM, TIMOTHY

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

03/17/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/589,908	Applicant(s) LENNING, ANDERS	
	Examiner Timothy D. Wilhelm	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7 and 9-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7 and 9-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/18/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,2,4-6,9-22,24-36,38-44, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steffens, Jr. et al (5,413,378), hereafter referred to as Steffens, in view of Kippelt et al (6,443,488), hereafter referred to as Kippelt. Steffens discloses a safety arrangement for a motor vehicle comprising a moveable seat 32, a safety belt 50 having a retractor 66 and a buckle 56, a first sensor 64 for measuring the length of the safety belt 50 withdrawn from the retractor 66, a second sensor for measuring the position of the seat 30, and a third sensor, comprising a safety belt buckle switch 60, to indicate when the belt is buckled in position, and a processor unit 24, or controller, that processes signals from the first, second, and third sensors to control the performance of a safety device for the motor vehicle, wherein said safety device may include a safety belt load limiter or an airbag 102. Steffens discloses that the system calculates the initial position of an occupant of the vehicle based on data retrieved by the first, second, and third sensors when the vehicle is started, after which the controller continuously updates the calculations made from the signals sent by each sensor. Using the data retrieved by the three sensors, the system then controls the deployment of the airbag through a venting mechanism 120, which helps to inhibit full

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inflation of the airbag 102 should an occupant be deemed out of position. With regard to claim 13, because the system is continuously monitoring and adjusting the calculation of the position of the occupant using the above mentioned three sensors, it may be construed that the system determines "a new reference value whenever the seat is moved."

3. Steffens discloses the present invention except for specifically disclosing the measurement of withdrawn safety belt as a measurement of a change in withdrawn belt from an initial amount of belt withdrawn to a later measured amount. Kippelt discloses a method for controlling the inflation of an airbag in a motor vehicle comprising detecting an unrolled belt length of a belt device assigned to a vehicle seat; controlling, with an evaluator, an inflation of the airbag as a function of the unrolled belt length, which involves determining, with an evaluator, a change in the unrolled belt length from a currently measured unrolled belt length, which determines the position of the upper body, or chest, of an occupant, and a previously measured unrolled belt length (column 3, lines 44-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the safety system of Steffens with the teaching of Kippelt's method of measuring a safety belt's unrolled belt length as a change in a current belt length from a previously measured belt length to more accurately determine how an occupant has moved since initially entering the vehicle and better protect against injury should the occupant be out of position.

4. Claims 7,23,37, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steffens and Kippelt, as applied to claims 1,2,4-6, and 9-17, and

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further in view of Orbach (5,760,684), hereafter referred to as Orbach. Steffens discloses the present invention except for the payout sensor measuring the amount of angular rotation of the spool of the seatbelt. Orbach teaches measuring the amount of seatbelt being withdrawn from a spool of a seatbelt retractor using a sensor that measures the angular position of the spool. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Steffens with the teaching of Orbach's angular position sensor to more accurately determine the amount of seatbelt withdrawn from the spool when an occupant is present.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy D. Wilhelm whose telephone number is 571-272-6980. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Q. Nguyen can be reached on 571-272-6952. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Q. Nguyen/
Supervisory Patent Examiner, Art Unit 3616

Timothy D Wilhelm
Examiner
Art Unit 3616

/Timothy D Wilhelm/
March 16, 2009